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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,772	09/22/2004	Roland Griese	SPM-378-A	7974
22825	7590	06/06/2007		
WILLIAM M HANLON, JR YOUNG & BASILE, PC 3001 WEST BIG BEAVER ROAD SUITE 624 TROY, MI 48084-3107			EXAMINER SHAPIRO, JEFFERY A	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/508,772

Applicant(s)

GRIESE, ROLAND

Examiner

Jeffrey A. Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/22/04 &amp; 12/30/04</u>                                    | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a certified English translation of the foreign application must be submitted in reply to this action. 37 CFR 41.154(b) and 41.202(e).

Failure to provide a certified translation may result in no benefit being accorded for the non-English application.

### ***Specification***

3. The abstract of the disclosure is objected to because of the phrase "or similar" in line 3. Also, the sentence in lines 3-5 appears to be grammatically incorrect. Correction is required. See MPEP § 608.01(b).
4. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

As examples, note line 1 in paragraph 8 of the specification refers to "a coin distributor according to the preamble" or paragraph 12, lines 9 and 10, which states "the same coin shaft in too quick succession."

### ***Claim Objections***

5. Claim 5 is objected to because of the following informalities: in line 3, the phrase "and prism" would be better as "and a prism". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 1 recites the limitation "this device" in line 4. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is meant by lines 2 and 3, which states that "the beam deflector is a one of a mirror and prism which deflects singly or multiply." It is unclear if what is being referred to is multiple deflections of the same beam or a deflection of more than one beam.

9. Claim 9 recites the limitation "coin shaft" in line 3. There is insufficient antecedent basis for this limitation in the claim.

10. Further regarding Claim 9, the characterization that the coin shaft is blocked by a coin is incorrect. As the coin travels through the coin shaft, the beam emitted from the beam emitter is blocked as a coin passes between the emitter and the prism as well as the beam receiver, which resides on the same side, i.e., in the same plane, as the emitter. See Applicant's figures 2a and 2b.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Newton et al (US 5,485,906).

**Regarding Claim 1**, Newton discloses a coin distributor (2) having a deflection unit, as illustrated in figure 2, which has a movable deflection member (12) for sorting coins into either reject shaft (14) or accept path (18), and at least one device (22) for detecting the passage of a coin through a coin shaft, the device including one emitter (30), a beam deflector (38) and a beam receiver (34). See Newton, figures 2-4 and col. 1, line 60-coll. 3, line 18.

Note that the beam deflector (38) is considered to be secured to the movable deflection member (12) through hooks (40) which snap onto shafts (42).

**Regarding Claim 4**, note that emitter (30) is an infra-red light emitting diode. See Newton, col. 2, lines 40-44.

**Regarding Claim 5**, note again that the beam deflector is a prism (38).

**Regarding Claim 6**, note that the beam receiver is an infra-red light receiver in the form of a photosensor (34).

**Regarding Claim 7**, note again that the two shafts are either coin reject shaft (14) or coin accept shaft (18).

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**Regarding Claim 8**, note again that movable deflection member (12) is a pivotable flap.

**Regarding Claim 9**, note that when a coin travels through coin shaft (18), the coin passes between the diode (30) and photosensor (34), which both reside in the same plane, and the prism (38) which resides on an opposite plane. This action blocks the beam emitted from the emitter/diode (30), thus causing the radiant power sensed by the photosensor to decrease to zero. When no coin is traveling through the coin shaft, the beam is uninhibited by the coin, thus allowing the full strength and radiant power of the beam to be sensed by the photosensor continuously.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newton in view of Hoffman et al (US 5,823,315).

Newton discloses the coin distributor described above, having a single detecting device (22) with each of a beam emitter, beam deflector and a beam receiver.

**Regarding Claims 2 and 3**, Newton does not expressly disclose, but Hoffman discloses at least a second detection device comprising a second emitter/detector pair

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(40a-d and 41a-d). See Hoffman, figures 4a and 5a-c, as well as col. 10, line 52-col. 12, line 12.

Note that the direction of coin moving along the coin path is capable of being detected from the signals of Hoffman's beam receiver signals, since at least one set of emitter/detector pairs is located vertically spaced from at least one other set.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have incorporated at least one other beam emitter/detector pair located either vertically spaced above or below Newton's original single emitter/detector pair, for the purpose of detecting "two coins passing the sensors in immediate succession" which result in "double counting", for detecting a coin "tilting incident, or use of a tethered coin, i.e, a "string gimmick", as mentioned at Hoffman, col. 11, lines 29-35 and 50-59.

### ***Inventorship***

15. In view of the papers filed 6/30/05, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of Dietmar Trenner.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey A. Shapiro  
Examiner  
Art Unit 3653

June 1, 2007